

Amendments to Senate Bill No. 223  
1st Reading Copy

Requested by Senator Jim Peterson

For the Senate Natural Resources and Energy Committee

Prepared by Krista Lee Evans  
February 9, 2007 (9:10am)

1. Title, line 4.

**Following:** "PROVIDING THAT"

**Insert:** "IF AN APPROPRIATOR HAS A POSSESSORY INTEREST IN REAL PROPERTY WHERE A COAL BED METHANE INFRASTRUCTURE IS LOCATED AND THE WATER TO BE APPROPRIATED WILL BE BENEFICIALLY USED ON THE APPROPRIATOR'S REAL PROPERTY, LEASED PROPERTY, OR PERMITTED PROPERTY,"

2. Title, line 6.

**Following:** "METHANE"

**Strike:** "WELLS"

**Insert:** "PRODUCTION; PROVIDING A DEADLINE FOR SUBMITTING A NOTICE OF COMPLETION TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; PROVIDING THAT AFTER COAL BED METHANE PRODUCTION HAS CEASED, A PERSON WHO WANTS TO CONTINUE TO USE THE WATER IS REQUIRED TO ACQUIRE AN APPROPRIATION RIGHT"

3. Page 3, line 7 through line 8.

**Strike:** subsection (8) in its entirety

**Insert:** "(8) (a) If an appropriator has a possessory interest in real property where a coal bed methane infrastructure is located and the water to be appropriated will be beneficially used on the appropriator's real property, leased property, or permitted property, a permit is not required before appropriating water when it is produced in association with coal bed methane production.

(b) Within 60 days of completion of the delivery facilities and appropriation of the developed water for beneficial use, the appropriator shall file a notice of completion with the department on a form provided by the department through its offices. The department shall accept a notice of completion and may not require additional information if the notice of completion contains:

(i) the point of distribution from the coal bed methane producer's infrastructure;

(ii) the place of use, which must be in Montana;

(iii) the maximum volume, not to exceed 750 acre-feet a

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year; and

(iv) the period of use.

(c) Within 60 days after the cessation of coal bed methane production, the coal bed methane production company or the landowner shall inform the department that production has ceased. If the landowner wishes to continue the use of the water, the landowner shall file for an appropriation right."

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